

# USUHS INSTRUCTION

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# UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES



## SUBJECT: Copyrights and Royalties

### Instruction 5536

(OGC)

MAY 16 2003

#### ABSTRACT

This Instruction assigns responsibilities and prescribes policies and procedures of the Uniformed Services University of the Health Sciences (USUHS) concerning copyrights in, and acceptance of royalties from, publications of USUHS employees. This reissuance clarifies the policy that sales of USUHS employee-authored materials to USUHS or USUHS students must be turned over to Financial Management (FMG) and provides an alternative that allows arrangements to be made for those sales to be royalty free.

#### A. Reissuance and Purpose.

This Instruction reissues Uniformed Services University of the Health Sciences (USUHS) Instruction 5536<sup>a</sup>. The purpose of this Instruction is to set forth policies concerning copyrights in, and acceptance of royalties from, publications of USUHS employees.

#### B. References. *See Enclosure 1.*

C. Applicability. This Instruction is applicable to all USUHS employees, both military and civilian.

#### D. Policy.

##### 1. Copyrights.

a. USUHS employees who submit and receive acceptance of publications for which the work is done as a part of their official duties at USUHS or another Federal institution must notify publishers that there is no copyright protection available because of their status as Federal employees (United States Code, Title 17, Section 105)<sup>b</sup>; and

b. USUHS employees who complete work on publications which are written outside of their government duties, even though the subject matter involves the government work or professional field of the writer, may possess copyrights in these publications;

(1) Employees must ensure that no part of the publications, including research, was performed during the course of fulfilling his/her USUHS duties/employment; and

(2) Employees must ensure that there is no appearance of using their official position for personal benefit or of using proprietary information obtained through their USUHS position or USUHS affiliation.

##### 2. Royalties.

a. USUHS employees who have authored books or other publications suitable for use in USUHS courses are encouraged to use them as teaching materials;

b. USUHS employees who have published books, articles, or the like, which

have resulted from work performed at USUHS or any other Federal institution, as a part of the employees' USUHS duties, must turn in to Financial Management (FMG) any payments they receive from such publications. FMG will, in turn, deposit these payments in the United States Treasury; and

c. USUHS employees who have prepared materials for publication on their own time and have not used any resources or information which may have been obtained from their employment at USUHS or any other Federal institution, may retain royalties from these publications for any sales except for royalties received as a result of sales to any Federal institution, including USUHS, or USUHS students. If possible, arrangements should be made for these sales to be royalty free. If royalties are received as a result of sales to any Federal institution, including USUHS, or to USUHS students, they must be turned over to FMG.

#### **E. Responsibilities.**

##### **1. USUHS employees:**

a. Will notify publishers who have accepted their materials for publication that the materials, if they have been completed pursuant to the employees' employment at USUHS or any other Federal institution, are not eligible for copyrights because of their status as Federal employees (see Enclosure 2);

b. May obtain copyrights on materials accepted for publication which have been completed outside of their normal

duties at USUHS or other Federal institutions, and where no materials or resources have been obtained from USUHS or any other Federal institution. [Note: Request for Approval of Outside Activity (USUHS Form 1004) must be submitted for approval of outside publication/compensation;]

c. Must turn in to FMG any royalties received from publications that have been completed as a part of their duties at USUHS or other Federal institutions;

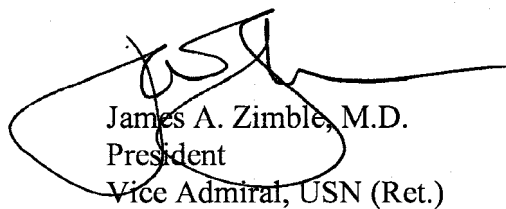
d. Must turn in any royalties received from publications which are sold to any Federal institutions, including USUHS, or USUHS students; and

e. May retain any royalties which are received from publications which were completed without using Federal materials, resources, or man hours except for royalties received as a result of sales to Federal institutions, including USUHS, or USUHS students.

2. Director of FMG is responsible for turning in to the United States Treasury any royalties received from any USUHS employee for publications using USUHS resources, or publications sold to USUHS or any other Federal institution.

3. Office of the General Counsel is responsible for providing advice and assistance to USUHS employees and their department chairs/supervisors concerning copyrights and the receiving of royalties.

**F. Effective Date.** This Instruction is effective immediately.



James A. Zimble, M.D.  
President  
Vice Admiral, USN (Ret.)

Enclosures:

1. References
2. Suggested Notification to Publisher

**REFERENCES**

(1) USUHS Instruction 5536, "Copyrights and Royalties," 9 April, 2001 (hereby canceled)

(2) United States Code, Title 17, Section 105

Date

**SUGGESTED NOTIFICATION TO PUBLISHER**

Dear \_\_\_\_\_:

This letter is to inform you that the article entitled \_\_\_\_\_

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fits the description in U.S. copyright law (Title 17 U.S.C. 105) of a "United States Government work." It was written as a part of my (our) official duties as Government employee(s). The article is freely available to you for publication without a copyright notice, and there are no restrictions on its use, now or subsequently.

I (we) trust that this letter is sufficient notice that I (we) retain no rights in the article.

Sincerely yours,